

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(205)

CRM No. M-42115 of 2021
Date of Decision : 07.12.2021

Ashwani

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

Mr. Lokesh Sharma, Advocate, for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.665 dated 29.12.2020 registered under Section 406, 420, 467, 468, 471 and 120-B of the IPC at Police Station City Narnaul, District Mahendergarh.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 07.10.2021. Order dated 07.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.665 dated 29.12.2020 registered under Section 406, 420, 467, 468, 471 and 120-B of the IPC at Police Station City Narnaul, District Mahendergarh.

Learned counsel for the petitioner argues that the complainant had agreed to purchase the land from Savitri Devi Goswami and Vijay Goswami and the petitioner was also one

of the purchaser in the said sale. Learned counsel for the petitioner submits that as per the allegations alleged in the FIR, the said Savitri Devi Goswami and Vijay Goswami have sold the same land to somebody else but, the complainant did not raise any grievance regarding the same and now the present complaint has been filed. Learned counsel for the petitioner further submits that Savitri Devi Goswami and Vijay Goswami have already been granted the benefit of anticipatory bail by this Court vide order dated 29.09.2021 passed in CRM-M-2101-2021 and order dated 17.08.2021 passed in CRM-M-2777 of 2021 respectively and, therefore, the petitioner be also extended the said benefit. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in investigation.

Notice of motion for 07.12.2021.

Mr. Gaurav Bansal, AAG, Haryana. who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel concedes that the allegations alleged against the petitioner as well as Savitri Devi Goswami and Vijay Goswami, who are the co-accused, are similar and they have already been granted the benefit of anticipatory bail by this Court.

Learned counsel appearing for the complainant submits that all the three accused have defrauded the complainant and the complainant is yet to recover back his money in respect of the deal wherein, Savitri Devi Goswami and Vijay Goswami had undertaken to sell the land to the complainant and, therefore, as the petitioner is in hand in glove with the other two co-accused, the benefit of anticipatory bail may kindly be declined.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the co-accused against whom the similar

allegations have been alleged, have already been granted the benefit of anticipatory bail by this Court while noticing all the facts stated hereinbefore while passing order dated 29.09.2021 in CRM-M-2101 of 2021 and order dated 17.08.2021 in CRM-M-2777 of 2021, the petitioner has made out a case for the grant of benefit of anticipatory bail on the basis of parity, especially, when learned counsel for the petitioner undertakes before this Court the the petitioner will join and cooperate in investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C. ”

Learned State counsel, on instructions from SI Devender Singh states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

In view of the above, the order dated 07.10.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 07, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether reasoned/speaking? Yes

Whether reportable? No